Rangeland, Grazing Land and Grassland Protection Act of 2002

Program Application and Guidelines

State of California Resources Agency California Wildlife Conservation Board

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Rangeland, Grazing Land and Grassland Protection Act of 2002

In September of 2002, Chapter 984, Statutes of 2002, enacted the Rangeland, Grazing Land and Grassland Protection Act of 2002. The Act designated the Wildlife Conservation Board (WCB) as the lead agency for carrying out the California Rangeland, Grazing Land and Grassland Protection Program. The purpose of the program is to protect California's rangeland, grazing land and grasslands through the use of conservation easements.

Purpose and Authority

Pursuant to the provisions of Section 10332, the purpose of the program is to accomplish the following:

- 1. To prevent the conversion of rangeland, grazing land and grassland to nonagricultural uses.
- 2. To protect the long-term sustainability of livestock grazing.
- 3. To ensure continued wildlife, water quality, watershed and open-space benefits to the State of California from livestock grazing.

Definitions

To achieve the objectives of the California Rangeland, Grazing Land and Grassland Protection Program, the following terms have the following meaning:

"Agricultural Intensification" a collective term for converting rangeland, grazing land or grasslands for more intensive agricultural use.

"Board" means the Wildlife Conservation Board.

"Compatible Uses" means the following:

1. Compatible uses will not displace or compromise the rangeland, grazing land, grasslands, wildlife, water quality, watershed or open space <u>benefits</u> that occur from livestock grazing. Compatible uses sustain and do not convert or displace land to other uses.

- Compatible uses contribute toward the long-term economic viability of the property. Further, the activity will not conflict with or impair agricultural uses on adjacent land.
- 3. Compatible uses reflect activities that integrate and complement the rangeland, grassland and grazing use of the land and enhance the financial operation of the property. For example, such activities could include a bed and breakfast or dude ranch promoting the scenic, historical and cultural attributes of grazing operations. While such uses promote the value and beauty of the open space and surrounding natural resource conditions of the property, the activity should not compromise the carrying capacity for owner-operated grazing as the primary land use.
 - ✓ Other compatible uses could include forage production, recreational or commercial hunting/fishing operations, wildlife viewing or other non-consumptive uses of the resource.
 - ✓ Innovative compatible use activities address the external and internal components of sustainability.
- 4. Compatible uses will not diminish, devalue or result in the removal of adjacent land from agricultural production.
- 5. Agricultural intensification such as orchards or vineyards, shall not exceed 5 percent of the easement area. For the purposes of the Act, <u>existing</u> lands used for haying and livestock fodder production shall be considered grazing lands and not agricultural intensification. All grazing, haying, livestock fodder production and agricultural intensification shall be conducted in a sustainable manner.

Areas available for agricultural intensification shall be specifically identified in the conservation easement. Agricultural intensification shall generally be limited to those areas that have been previously farmed, will not significantly impair the conservation values and will not significantly displace livestock carrying capacity.

"Conservation Easement" means a conservation easement, as defined by Section 815.1 of the Civil Code that is perpetual.

"Environmental Conditions" means a hazardous substance or other condition that would create hazards and/or liabilities for the landowner, such as, but not limited to, asbestos, formaldehyde, radon gas, lead-based paint, mold, fuel or chemical storage tanks, contaminated soil or water.

- "Grassland" means land on which the vegetation is dominated by grasses, grass like plants and/or forbs.
- "Grazing Land" (1) a collective term for rangeland, pastureland, grazing forest land, native and naturalized pasture, hayland, and grazed cropland. Although grazing is generally a predominate use, the term is used independent of any use. (2) Land is used primarily for production of forage plants maintained or manipulated primarily through grazing management. Includes all land having plants harvestable by grazing without reference to land tenure, other land uses or management practices.
- "Local Public Agency" means any city, county, city and county, resource conservation district, special district, joint powers authority made up of two or more local public agencies and one or more state agencies.
- "Nonprofit organization" means any nonprofit public benefit corporation formed pursuant to the Nonprofit Corporation Law (Division 2 (commencing with Section 5000) of Title 1 of the Corporations Code), qualified to do business in California, and qualified under Section 501 (c) (3) of Title 26 of the Internal Revenue Code as a tax-exempt corporation that has as a principle purpose the conservation of land and water resources.
- "Productivity" means quantitative measure/acre assessment. Average annual forage production/acre as expressed in weight.
- "Property" means any real property and any perpetual interest therein, including land, conservation easements, and land containing water rights.
- "Qualified property" means property that is rangeland, grazing land or grassland, and is used or is suitable for grazing; is zoned for agriculture, or open-space use; and is used or suitable for habitat for aquatic or terrestrial wildlife species or native plants.
- "Rangeland" means land on which the historic climax plant community is predominantly grasses, grass like plants, forbs, or shrubs. Includes land revegetated naturally or artificially when routine management of that vegetation is accomplished mainly through manipulation of grazing. Rangeland includes native or naturalized grasslands, savanna, shrub lands, most deserts, alpine communities, coastal marshes and wet meadows.
- "State Agency" means any public entity created by statue within the California State Resources Agency.

"Sustainability" means the ability to keep and maintain the rangelands, grazing operation and grasslands in production.

Minimum Program Requirements

- ✓ Projects must protect the integrity of the rangeland, grazing lands and grasslands. Applicants interested in obtaining an easement on more intensified agricultural areas are encouraged to contact the Department of Conservation, California Farmland Conservancy Program at cfcp@consrv.ca.gov or visit their website at www.conservation.ca.gov/dlrp/cfcp. The WCB will assist applicants interested in obtaining funding information from the different agricultural protection programs.
- ✓ All conservation easements must be in perpetuity and monitored by the holder of the conservation easement not less than every two years. The holder of the conservation easement must report the findings of the review to the WCB. The easement holder must provide a description of the organization's proposed monitoring plan.
- ✓ The WCB encourages projects to be developed with partners attempting
 to address regional landscape issues. A partnership approach brings to
 the project a diversity of skills, expertise, ideas and sometimes-even
 money that may not otherwise be available to complete a desired project.
 Project proposals that contain funding partners may receive a higher
 priority than those applicants requesting 100 percent of the necessary
 funds to acquire the conservation easement.
- ✓ The terms and conditions of the conservation easement must comply with the "Principles of Compatible Use".
- ✓ Landowner must disclose any known or suspected environmental conditions associated with the property.
- ✓ Landowner must certify the conservation easement was not, and is not, required to satisfy a condition imposed upon the landowner by any lease, permit, license, certificate, or other entitlement for use issued by one or more public agencies, including, but not limited to, the mitigation of significant effects on the environment of a project pursuant to an approved environmental impact report or mitigated negative declaration.
- ✓ Landowners must certify the proposed use is consistent with local land use plans and zoning requirements.

✓ Holders of mineral rights will be notified of the intent to purchase a conservation easement.

Eligible Applicants and Partners

Eligible applicants and partners include a willing landowner, a local public agency, special district, resource conservation district, joint powers authority, nonprofit organization or state agency.

Submitting Applications

Applications will be accepted on a year-round basis. To qualify for funding, applications must be submitted at least four months in advance of the scheduled Board meeting.

Upon receipt of a proposed project and application, WCB will review the application for compliance with program requirements. If the proposed project meets the program requirements, is consistent with and compliments the program guidelines and selection criteria, and sufficient money exists to fund the request, the project may be scheduled for Board consideration. Applicants will be notified as to when the project will be considered by the Board.

All applications should be mailed to the following:

Executive Director, Wildlife Conservation Board 1807 13th Street, Suite 103 Sacramento, California 95814

Applicants are encouraged to call (916) 445-8448, with any questions prior to completing an application package or by visiting the Board's website located at www.dfg.ca.gov.

Rangeland, Grazing Land and Grassland Protection Act of 2002 Application Package

Part I Grantee and Landowner Information

Part II Required Attachments and Certifications

Part III Guidelines and Selection Criteria

PART I

Grantee Information

Name of Applicant				
Project Title				
Project Manager				
Mailing Address				
Telephone Number: () Fax Number ()				
Email Address				
Tax Payer ID Number:				
Total cost of project:				
Total amount of grant request:				
Landowner Information				
Name of Landowner				
Mailing Address				
Telephone Number () Fax Number ()				
Email Address				
Project Location (County, nearest City and major crossroad)				

PART II

Required Attachments

Complete applications must contain the following attachments and certifications to facilitate the review of the grant request. Applications that do not contain the required attachments will be returned to the applicant.

- 1. Project location map (regional and site specific).
- 2. Six color, 4 x 6 photographs of the project site.
- 3. A map that displays the following information: (1) the exterior boundaries of the entire property with corresponding parcel numbers, (2) the exterior boundaries and parcel numbers of the project site area subject to the conservation easement, (3) the location of any proposed agriculturally intensified areas and, (4) regional landscape areas of importance in relation to the proposed project.
- Please indicate the total number of acres associated with the entire property and the number of acres subject to the terms and conditions of the conservation easement.
- 5. If agricultural intensification (see definition) is to be included in the easement area, identify the location, number of acres and a brief history of the present and past use.
- 6. Name and mailing address of all adjacent landowners.
- 7. Name and mailing address of existing mineral right holders as identified in the county where the property is located.
- 8. Complete, Self-Contained Appraisal Report, prepared in conformance with the Uniform Standards of Professional Appraisal Practices (USPAP) establishing the fair market easement value of the property. At the discretion of the applicant and landowner, the appraisal can be submitted with the initial application, however, this is not a requirement. Appraisals can be submitted for review after the applicant has been notified by WCB the proposal has met the minimum eligibility requirements and will be considered for further Board review.
- In an attachment, please describe the easement holder's specific monitoring plan for the property. To facilitate the review process, please describe/list activities that are prohibited by the easement, as well as any compatible uses that may occur.

10. Draft copy of the proposed conservation easement that will be used to protect the rangeland, grazing land and/or grasslands. The easement shall contain at a minimum, information requested in item number 4 and 5 above as well as, any building or agricultural envelopes to be <u>excluded</u> from the terms and conditions of the proposed easement.

Required Certifications

- Pursuant to Section 10336, the grantee or holder of the conservation easement hereby certifies to review, no less than every two years, the terms and conditions of the conservation easement. The grantee or holder of the conservation easement further agrees to provide the Wildlife Conservation Board with a written status report detailing the findings of the review.
- 2. Pursuant to the requirement of Section 10338 (c), the project applicant and the landowner, hereby agree the conservation easement is not required to satisfy a condition imposed upon the seller by any lease, permit, license, certificate, or other entitlement of use issued by one or more public agencies, including but not limited to , the mitigation of significant effects on the environment of a project pursuant to an approved environmental impact report or mitigated negative declaration required pursuant to the California Environmental Quality Act (Division 13 (Commencing with Section 21000)).
- 3. Pursuant to the requirement of Section 10338 (d), the project applicant and the landowner, hereby acknowledge, unless otherwise specified in an attached Disclosure Statement, that there are no known or suspected environmental conditions associated with the property.
- 4. The landowner and applicant certify the proposed project is consistent with local governmental land use plans and zoning requirements.

We hereby certify and agree to the terms and conditions of the above requirements.

Applicant Certification:	
	Date:
Landowner Certification:	
	Date:

PART III

Program Guidelines & Selection Criteria

GRAZING

GUIDELINE: PROTECT THE LONG-TERM SUSTAINABILITY OF LIVESTOCK GRAZING.

Applicant should describe how the proposed project addresses each of the following criteria:

- **1.** The range sites located on the property and how they contribute toward the sustainability of the ranching operation.
- 2. The current and historic uses of the property, including carrying capacity, stocking rate, and the long-term plan for continuity and sustainability of the ranch operation.
- **3.** Compatible economic activities in operation or contemplated in the future for the property.
- **4.** Opportunities to work with local ranchers/landowners to further promote grazing opportunities.
- 5. Stewardship practices the landowner implemented (or agreed to implement) that makes the ranch operation unique and promotes the conservation and integrity of the economic operation and the resource values present on the property.
- **6.** The long-term economic viability reflects a measure of overall net financial return from grazing and/or other compatible economic uses of the property. Please explain how the long-term economic viability will be maintained as a result of this project. Please address the internal & external infrastructure, role in sustaining regional grazing operations & competitive operational activities in the region.

THREAT TO PROPERTY

GUIDELINE: PREVENT THE CONVERSION OF RANGELAND, GRAZING LAND AND GRASSLANDS TO NONAGRICULTURAL USES.

Applicant should describe how the proposed project addresses each of the following criteria:

- **1.** Any current and/or potential land use threat to the property.
- **2.** The property's current zoning contributes or does not contribute to the long-term use of the property as grazing land.
- **3.** Provisions referenced in the "draft" easement that limits non-agricultural uses to those consistent with the Principles of Compatible Use.
- **4.** Interest (if any) in converting rangeland, grazing land or grasslands to intensified agricultural uses.
- **5.** What makes this project unique in protecting rangeland, grazing land and grasslands?
- **6.** As a landowner, what are your reasons for participating in this program?
- 7. Regional landscape threats or opportunities that may impact the proposed project, i.e., adjacent lands protected in perpetuity with agricultural or conservation easements or adjacent lands proposed for development or conversion.

REGIONAL, COMMUNITY AND ECOLOGICAL GOALS

GUIDELINE: ENSURE CONTINUED WILDLIFE, WATER
QUALITY, WATERSHED AND OPEN-SPACE
BENEFITS TO THE STATE OF CALIFORNIA FROM
LIVESTOCK GRAZING.

Applicant should describe how the proposed project addresses each of the following criteria:

- 1. The approximate number of acres of habitat types found on the property (for example, wetlands, riparian, grasslands, chaparral, oak woodlands, vernal pools, or mixed conifer). Include a description of the soil types found on the project site.
- **2.** The aquatic, terrestrial, plant and animal species that may benefit from this proposal.
- **3.** How does the size of this property promote ecological integrity and provide wildlife habitat values?
- **4.** How the easement will protect or enhance the property's water quality and watershed, including a description of any water quality projects or activities planned for future implementation.
- **5.** Sufficiency of surface and ground water rights on the property and protected by the easement to achieve the long-term operational goals of the ranch. Describe current and future, compatible uses for the water, for example, grazing, irrigation and future uses (bed and breakfast).
- **6.** Will this project protect historic or archeological values or unique geologic features?
- 7. Any open space values that will be protected as a result of the project.
- **8.** The project location in relation to other protected areas (for example; state parkland, wildlife areas, Williamson Act lands, land protected with an agricultural or wildlife easement).